

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF/PETITIONER

VS

CIVIL ACTION NO. ,

MUNICIPAL EXECUTIVE COMMITTEE
FOR THE CITY OF , MISSISSIPPI,
, CHAIRPERSON,
DEFENDANT/RESPONDENT

PETITION FOR JUDICIAL REVIEW OF PRIMARY ELECTION
CITY ALDERMAN DISTRICT

COMES NOW , Plaintiff/Petitioner, and files this his/her Petition for Judicial Review of Primary Election, City Alderman, District , and in support thereof would show unto this Honorable Court the following, to-wit:

THE PARTIES

- 1. That the Plaintiff/Petitioner is (hereinafter " "), an adult resident citizen of County, Mississippi whose address is .
- 2. That the Defendant is the Republican/Democratic Municipal Executive Committee for the City of , Mississippi, and may be served with process of this Court by serving its Chairperson, , whose address is .

JURISDICTION

- 3. That this Court has jurisdiction under Sec. 23-15-927 of the Mississippi Code Annotated of 1972 as amended.

FACTS

- 4. That properly filed his/her Republican/Democratic candidacy for City Alderman, District , County, Mississippi. That a runoff election was held for the Republican/Democratic nomination for Alderman, District on , .
- 6. That due to certain irregularities, more particularly set forth below, in the conduct of the voting, , through his designated representative , submitted a formal protest to the Republican/Democratic Executive Committee for the City of , , Chairperson

(hereinafter "the Committee"), on _____, and that notice of the examination to the voter box was served (pursuant to Sec. 23-15-911, MCA 1972 as amended) upon the opposing candidate, _____, upon _____, City Clerk, upon _____ and _____, a member of the Republican/Democratic Municipal Executive Committee and the Chairperson, respectively.

7. That no written answer was given on the protest, but _____ was informed verbally on _____, _____, at _____ : _____ a.m., that the Committee had certified the election as valid; _____ was not allowed to attend meetings of the Committee nor was he allowed to submit proof of his allegations.

8. That the formal protest, attached hereto as Exhibit " _____ " and incorporated herein by reference, set forth the irregularities with particularity, and included the following allegations of impropriety as to the aforesaid runoff:

a. That several individuals tendered new voter registration cards and never had to verify that the individual was one and the same as the person named on the card;

b. That some individuals mispronounced and could not spell their own names as identified on their voter cards;

c. That the poll manager, _____, was notified and continued the practice of not checking the individual against the card;

d. That the poll manager improperly opened an affidavit ballot;

e. That _____, Executive Committee Chairperson, voted in District _____ although he/she is not a resident of the said District; and that _____ failed to reclude herself as Committee Chairperson although his/her own vote was one which was challenged;

f. That during the voting period on _____, additional copies of ballots were needed, and said copies was made in an undetermined number, rendering impossible an accurate count of leftover ballots;

9. That _____ lost the election by _____ votes.

10. That but for the improper conduct of the voting procedures, _____ would have been the winner, and the Committee has wrongfully denied _____ protest.

11. That _____ independent, practicing attorneys, disinterested and without prejudice, have investigated the matters alleged herein and have submitted certificates as to the substantial legal merit of the aforesaid matters, attached hereto, as Exhibits " _____ " and " _____ ".

12. That due to the irregularities alleged herein, the Defendant/Respondent should pay all costs of Court plus attorney's fees for the necessity of bringing the instant action.

WHEREFORE, PREMISES CONSIDERED, Plaintiff/Petitioner _____ prays that his/her

Petition be received and filed and that process of this Court issue upon Defendant/Respondent in the manner and for the time prescribed by law and that upon prompt adjudication hereon by a judicial tribunal, appointed according to statutory procedure, that the judicial tribunal will issue and order declaring _____ the clear winner and nominee of the Republican Party for Alderman, City of _____, District _____; or, in the alternative, that a repeat runoff election be held to determine the winner of the Republican primary election.

Further, Plaintiff/Petitioner prays that the judicial tribunal order the Defendant/Respondent to pay all costs of Court and Plaintiff's attorney fees for the bringing of this action.

And the Plaintiff/Petitioner prays for such other relief, either general or special, to which he/she may be entitled in the premises.

Respectfully submitted,

Attorney for

Of counsel:

Telephone:
MSB #
Attorney for

STATE OF MISSISSIPPI
COUNTY OF

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named _____, who, after first being duly sworn by me, did state upon his/her oath that the matters, facts, and things averred in the above and foregoing Petition for Judicial Review are true and correct as therein in stated.

SWORN TO and subscribed before me this the _____ day of _____, _____.

NOTARY PUBLIC

My Commission Expires